



**APPROVED MINUTES  
CUPERTINO CITY COUNCIL  
Tuesday, October 2, 2018**

**SPECIAL CITY COUNCIL MEETING**

At 4:00 p.m. Mayor Darcy Paul called the Special City Council meeting to order in the City Hall Conference Room A, 10300 Torre Avenue.

Present: Mayor Darcy Paul, Vice Mayor Rod Sinks, and Councilmembers Barry Chang, Steven Scharf, and Savita Vaidhyanathan. Absent: None.

**CLOSED SESSION**

Council went into closed session and reconvened in open session at 5:00 p.m. in the Cupertino Community Hall Council Chambers, 10350 Torre Avenue for a Study Session followed by the Regular Meeting at 6:45 p.m.

1. Subject: Public Employee Discipline/Dismissal/Release - Gov't Code Section 54957(b)(1).

Mayor Paul announced that an update was provided and no action was taken.

**STUDY SESSION**

At 5:00 p.m. Mayor Paul reconvened the Special City Council meeting in the Cupertino Community Hall Council Chambers, 10350 Torre Avenue and led the Pledge of Allegiance.

Present: Mayor Darcy Paul, Vice Mayor Rod Sinks, and Councilmembers Barry Chang, Steven Scharf, and Savita Vaidhyanathan. Absent: None.

2. Subject: Factors affecting water rates in Cupertino  
Recommended Action: Accept presentation on water rates

Written communications for this item included a staff presentation.

Assistant Director of Public Works Roger Lee reviewed the staff report and presentation on

water rates.

John Tang from San Jose Water and staff answered questions from Council.

Council accepted the presentation on water rates.

## **ADJOURNMENT**

### **REGULAR CITY COUNCIL MEETING**

#### **PLEDGE OF ALLEGIANCE**

At 6:45 p.m. Mayor Darcy Paul called the Regular City Council meeting in the Cupertino Community Hall Council Chambers, 10350 Torre Avenue and led the Pledge of Allegiance.

#### **ROLL CALL**

Present: Mayor Darcy Paul, Vice Mayor Rod Sinks, and Councilmembers Barry Chang (6:52 p.m.), Steven Scharf, and Savita Vaidhyanathan. Absent: None.

#### **CEREMONIAL MATTERS AND PRESENTATIONS**

1. Subject: Proclamation for September as Ovarian Cancer Awareness Month  
Recommended Action: Present Proclamation for September as Ovarian Cancer Awareness Month

Mayor Paul presented a Proclamation to Erna Arnesen and Sonia Singh for September as Ovarian Cancer Awareness Month.

2. Subject: Proclamation for the 48th Annual Cupertino High School Tournament of Bands  
Recommended Action: Present Proclamation for the 48th Annual Cupertino High School Tournament of Bands

Mayor Paul presented a Proclamation to Addy Roff for the Annual Cupertino High School Tournament of Bands.

**POSTPONEMENTS** - None

#### **ORAL COMMUNICATIONS**

Herb Wiffler and Dan Rosenbaum (Cupertino residents) on behalf of Residents of Prospect Road talked about a petition from residents on Prospect Road regarding neighborhood nuisance complaints (distributed written comments).

Ignatius Y. Ding (Cupertino resident) talked about development and health hazards.

Kathy R. Chole (Cupertino resident) talked about the Regnart Creek Trail Feasibility Study.

Ilango Ganga (Cupertino resident) talked about the Regnart Creek Trail Feasibility Study.

Anika McClure on behalf of Silicon Valley Leadership Group talked about the Annual Applied Materials of Silicon Valley Turkey Trot on November 22 in downtown San Jose beginning at 8:00 a.m.

## CONSENT CALENDAR

Chang moved and Vaidhyanathan seconded to approve the items on the Consent Calendar as presented. Ayes: Paul, Sinks, Chang, Scharf, and Vaidhyanathan. Noes: None. Abstain: None. Absent: None.

3. Subject: Approve the September 18-19 City Council minutes  
Recommended Action: Approve the September 18-19 City Council minutes
4. Subject: Accept Accounts Payable for the period ending August 03, 2018  
Recommended Action: Adopt Resolution No. 18-095 accepting Accounts Payable for the period ending August 03, 2018
5. Subject: Accept Accounts Payable for the period ending August 10, 2018  
Recommended Action: Adopt Resolution No. 18-096 accepting Accounts Payable for the period ending August 10, 2018
6. Subject: Accept Accounts Payable for the period ending August 17, 2018  
Recommended Action: Adopt Resolution No. 18-097 accepting Accounts Payable for the period ending August 17, 2018
7. Subject: Adopt a resolution increasing the employer's contribution for medical and hospitalization insurance consistent with the Meyers-Geddes State Employees Medical and Hospital Care Act for the Unrepresented (Management and Confidential), Cupertino Employees' Association (Employees Association), Operating Engineers, Local Union No. 3

(Operating Engineers), Appointed (City Attorney and City Manager), Elected Official groups and retired annuitants.

Recommended Action: Adopt Resolution No. 18-098 increasing the employer's contribution for medical and hospitalization insurance for employees under the Unrepresented, Cupertino Employees' Association, Operating Engineers, Local union No. 3, Appointed, Elected Officials, and retired annuitant groups.

8. Subject: Application for Alcohol Beverage License for Safeway, Inc. (dba Safeway), 20620 Homestead Road  
Recommended Action: Recommend approval to the California Department of Alcoholic Beverage Control of the application for Alcohol Beverage License for Safeway, Inc. (dba Safeway), 20620 Homestead Road
9. Subject: Recology Cupertino's request for payment of \$8,023 to cover additional costs to process commercial organic materials collected in calendar year 2017  
Recommended Action: Authorize a payment of \$8,023 to Recology Cupertino from the Resource Recovery fund 520-81-801 to cover additional costs to process commercial organic materials collected in calendar year 2017
10. Subject: Annexation of Creston Dr. 18-01 (10598 Creston Dr. - APN 326-12-089)  
Recommended Action: Adopt Resolution No. 18-099 making determinations and approving the annexation of territory designated as "Creston Dr. 18-01" of approximately 0.31 acre of land located on the north side of Creston Drive, between Groveland Drive and Alderney Court
11. Subject: Reject all bids for a construction contract for the McClellan Ranch Preserve Community Garden Project  
Recommended Action: Reject all bids related to the construction of the McClellan Ranch Preserve Community Garden Improvements Project (Project No. 2019-06) and authorize the rebid of the project

## SECOND READING OF ORDINANCES

12. Subject: Second Reading of an Ordinance Designating Additional Preferential Parking Zones Ordinance on Noble Fir Court, Red Fir Court and White Fir Court (Continued from September 18)  
Recommended Action: 1. Conduct the second reading of Ordinance No. 18-2176: "An Ordinance of the City Council of the City of Cupertino Amending Cupertino Municipal Code Section 11.27.145 Designating Additional Preferential Parking Zones to add Noble Fir Court, Red Fir Court and White Fir Court"; and 2. Enact the ordinance. Note: The first reading was conducted on August 21 and there were no changes to the ordinance.

Director of Public Works Timm Borden introduced the item.

Mayor Paul opened public comment and the following individual spoke on this item:

Amar Sajapuram (Cupertino resident) on behalf of Roundtree Cupertino Board of Directors Management.

Mayor Paul closed public comment.

City Clerk Grace Schmidt read the title of Ordinance No. 18-2176.

Chang moved and Sinks seconded to read Ordinance No. 18-2176 by title only and that the City Clerk's reading would constitute the second reading thereof. Ayes: Paul, Chang, Scharf, Sinks, and Vaidhyanathan. Noes: None. Abstain: None. Absent: None.

Chang moved and Sinks seconded to enact Ordinance No. 18-2176. Ayes: Paul, Chang, Scharf, Sinks, and Vaidhyanathan. Noes: None. Abstain: None. Absent: None.

13. Subject: Second reading and enactment of ordinances to amend the Municipal Code to allow Adoption and Implementation of Vallco Town Center Specific Plan, to Rezone the Parcels within the Vallco Special Area and to Approve a Development Agreement by and Between the City of Cupertino and Vallco Property Owner LLC for the Development of Vallco Town Center. (Application Number(s): MCA-2018-01, Z-2018-01, DA-2015-02; Applicant(s): City of Cupertino (Municipal Code and Zoning Amendments) and Vallco Property Owner, LLC (Development Agreement); Location: 10101 to 10333 North Wolfe Road APN: 316-20-080, 316-20-081, 316-20-103, 316-20-107, 316-20-101, 316-20-105, 316-20-106, 316-20-104, 316-20-088, 316-20-092, 316-20-094, 316-20-099, 316-20-100, 316-20-095)  
Recommended Action: Conduct the second reading and enact:
1. Ordinance No. 18-2177: "An Ordinance of the City Council of the City of Cupertino Amending the Municipal Code to Allow Adoption and Implementation of Vallco Town Center Specific Plan;"
  2. Ordinance No. 18-2178: "An Ordinance of the City Council of the City of Cupertino Rezoning the Parcels within the Vallco Special Area;" and
  3. Ordinance No. 18-2179: "Ordinance of the City Council of the City of Cupertino Approving a Development Agreement by and Between the City of Cupertino and Vallco Property Owner LLC for the Development of Vallco Town Center."

Written communications for this item included emails to Council, redline changes to the ordinance, and a staff presentation.

Senior Planner Catarina Kidd reviewed the staff report and presentation.

Staff answered questions from Council.

Mayor Paul opened public comment and the following individuals spoke:

Sujatha Venkatraman and Monica Chandra on behalf of West Valley Community Services

Andrew Walter (Cupertino resident) on behalf of Cupertino Chamber of Commerce

Jan Stokely on behalf of Housing Choices

Geoff Paulsen (Cupertino resident)

Orrin Mahoney

Kaili Liao (Cupertino resident) on behalf of Friends of Children with Special Needs (FCSN)

David Wei (Cupertino resident) on behalf of Organization of Special Needs Families (OSF)

Jean Bedord (Cupertino resident)

Jim Walker (Cupertino resident)

Marie Liu (Cupertino resident)

Guangyn Tang (Cupertino resident) on behalf of FCSN

Sabrina Rizk (Cupertino resident)

Ganesh Suve (Cupertino resident)

Regina Thomas (Cupertino resident) on behalf of Housing Choices

Feng Ye (Cupertino resident)

Pete Heller (Cupertino resident)

Jennifer Griffin

Jeanne Bradford (Cupertino resident)

David Meyer on behalf of Silicon Valley at Home

Hemant Buch

Kinjal Buch (Cupertino resident)

Danessa Techmanski (Cupertino resident)

Stanley Tseng (Mountain View resident)

Hung Wei (Cupertino resident)

Kevin McClelland

Ian Greenside (Cupertino resident)

Liang Chao (Cupertino resident) (distributed written comments)

Lisa Warren (Cupertino resident)

Mayor Paul closed public comment.

Council recessed from 8:33 p.m. to 8:42 p.m.

City Clerk Grace Schmidt read the title of Ordinance No. 18-2177.

Chang moved and Sinks seconded to read Ordinance No. 18-2177 by title only and that the City Clerk's reading would constitute the second reading thereof. Ayes: Sinks, Chang, Vaidhyanathan. Noes: Paul, Scharf. Abstain: None. Absent: None.

Sinks moved and Chang seconded to enact Ordinance No. 18-2177. Ayes: Sinks, Chang, Vaidhyanathan. Noes: Paul, Scharf. Abstain: None. Absent: None.

City Clerk Grace Schmidt read the title of Ordinance No. 18-2178.

Chang moved and Sinks seconded to read Ordinance No. 18-2178 by title only and that the City Clerk's reading would constitute the second reading thereof. Ayes: Sinks, Chang, Vaidhyanathan. Noes: Paul, Scharf. Abstain: None. Absent: None.

Sinks moved and Chang seconded to enact Ordinance No. 18-2178. Ayes: Sinks, Chang, Vaidhyanathan. Noes: Paul, Scharf. Abstain: None. Absent: None.

City Clerk Grace Schmidt read the title of Ordinance No. 18-2179.

Chang moved and Sinks seconded to read Ordinance No. 18-2179 by title only and that the City Clerk's reading would constitute the second reading thereof. Ayes: Sinks, Chang, Vaidhyanathan. Noes: Paul, Scharf. Abstain: None. Absent: None.

Sinks moved and Chang seconded to enact Ordinance No. 18-2179. Ayes: Sinks, Chang, Vaidhyanathan. Noes: Paul, Scharf. Abstain: None. Absent: None.

## **PUBLIC HEARINGS**

## **ORDINANCES AND ACTION ITEMS**

14. Subject: Authorization of grant application to County of Santa Clara's All-Inclusive Playground Grant Program  
Recommended Action: Adopt Resolution No. 18-100 authorizing application to the County of Santa Clara's All-Inclusive Playground Grant Program for funding to replace an existing playground at Jollyman Park with an All-Inclusive playground, and related actions. Written communications for this item included a staff presentation.

Councilmember Vaidhyanathan noted that she had a conflict of interest on this item and left the dais.

Written communications for this item included a staff presentation.

Park Restoration and Improvement Manager Gail Seeds reviewed the staff report and presentation.

Staff answered questions from Council.

Scharf moved and Chang seconded to adopt Resolution No. 18-100 authorizing application to the County of Santa Clara's All-Inclusive Playground Grant Program for funding to replace an existing playground at Jollyman Park with an All-Inclusive playground, and related actions. The motion carried with Vaidhyanathan recusing.

Councilmember Vaidhyanathan returned to the dais.

#### **REPORTS BY COUNCIL AND STAFF**

15. Subject: Report on Committee assignments and general comments  
Recommended Action: Report on Committee assignments and general comments

Interim City Manager Amy Chan updated Council regarding nuisance concerns on Prospect Road as brought up by a resident in Oral Communications. Staff noted that they would look into the concerns.

Councilmembers highlighted the activities of their committees and various community events.

#### **ADJOURNMENT**

At 10:14 p.m., Mayor Paul adjourned the meeting.

/s/Grace Schmidt  
Grace Schmidt, City Clerk